

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below.



/S/ RUSS KENDIG

Russ Kendig
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:)	CHAPTER 11
)	
TWIN CITY HOSPITAL,)	CASE NO. 10-64360
)	
Debtor.)	ADV. NO. 10-6130
)	
THE COMMERCIAL AND)	JUDGE RUSS KENDIG
SAVINGS BANK,)	
)	
Plaintiff,)	
)	
v.)	MEMORANDUM OF OPINION
)	(NOT INTENDED FOR
WELLS FARGO BANK)	PUBLICATION)
NATIONAL ASSOCIATION, AS)	
INDENTURE TRUSTEE,)	
)	
Defendant.)	

On Defendant's motion for summary judgment, the parties seek a determination of who holds a senior security interest in Debtor's accounts receivable. Because of an error by the Ohio Secretary of State, the financing statement filed by Defendant was not properly indexed. Thereafter, but before the error was recognized, Plaintiff filed a financing statement claiming an interest in the receivables. The state agency later issued a corrective entry. As a result of the filings, both parties assert they hold the first lien in the accounts receivable.

The court has jurisdiction of this matter pursuant to 28 U.S.C. §§ 1334 and the general order of reference entered in this district on July 16, 1984. Venue in this district and division is proper pursuant to 28 U.S.C. § 1409. This is a core proceeding under 28 U.S.C. § 157(b)(2)(K). The following constitutes the court's findings of fact and conclusions of law pursuant to Federal Rule of Bankruptcy Procedure 7052.

This opinion is not intended for publication or citation. The availability of this opinion, in electronic or printed form, is not the result of a direct submission by the court.

FACTS

The parties have stipulated to the following facts:

1. Twin City Hospital (the "Debtor") owns certain land in Dennison, Ohio, upon which it operates an acute care critical access hospital facility (the "Hospital").
2. On September 20, 2007, U.S. Bank, N.A., predecessor in interest to the Indenture Trustee, properly filed a Uniform Commercial Code (hereinafter "UCC") financing statement with the Ohio Secretary of State evidencing it as a secured party in regard to substantially all of the Debtor's personal property including, but not limited to, the Debtor's accounts receivable (the "Personal Property UCC"). A true and accurate copy of the Personal Property UCC is attached hereto as Exhibit 1. The Personal Property UCC was stamped "Received" by the Secretary of State on September 20, 2007 at 3:58 p.m. The Secretary of State failed to index and image the Personal Property UCC correctly at the time it was filed.
3. On September 20, 2007, U.S. Bank, N.A. filed a second UCC financing statement with the Ohio Secretary of State, which was stamped "Received" by the Secretary of State on September 20, 2007 at 3:57 p.m., evidencing it as a secured party in regard to the Debtor's fixtures located at the hospital (the "Fixture UCC"). A true and accurate copy of the Fixture UCC is attached hereto as Exhibit 2. The Fixture UCC was properly indexed and imaged and was assigned a document identification of 200726402778 and an index of OH00119401517. The Ohio Secretary of State imaged and indexed the Fixture UCC twice, which was assigned a document identification of 200726402780 and an index of OH00119401840 (the "Duplicate UCC"). A true and accurate copy of the Duplicate UCC is attached hereto as Exhibit 3.
4. On December 16, 2009, the Plaintiff filed a UCC financing statement with the Ohio Secretary of State evidencing it as a secured party in regards to

the Debtor's accounts (the "Plaintiff UCC"). A true and accurate copy of the Plaintiff UCC is attached hereto as Exhibit 4. The Plaintiff UCC was properly indexed and imaged and was assigned a document identification of 200935034440 and an index of "OH00139076176."

5. Unbeknown to U.S. Bank, prior to filing the Plaintiff UCC, the Plaintiff conducted a search of the financing statements filed with the Ohio Secretary of State's Office. Such search revealed the Fixture UCC and the Duplicate UCC, but did not reveal the Personal Property UCC.
6. Subsequent to conversations with, and information provided to, the Ohio Secretary of State's filing office by the Plaintiff and Defendant, on November 5, 2010, the Ohio Secretary of State's filing office made a corrective filing when it filed an Administrative Action Statement, properly imaging and indexing the Personal Property UCC, stating that the incorrect image of the Personal Property UCC was scanned and incorrectly indexed (the "Corrective Action Personal Property UCC"). A true and accurate copy of the Corrective Action Personal Property UCC is attached hereto as Exhibit 5. The Corrective Action Personal Property UCC was assigned a document identification of 200726402780 and an index of "OH00119401840."
7. A review of the Ohio UCC filings on and after November 5, 2010 no longer shows the image of the Duplicate UCC, but rather the original Personal Property UCC filed on September 20, 2007 is now properly imaged at document identification #200726402780 and properly indexed at "OH00119401840."

LAW AND ANALYSIS

Federal Rule of Civil Procedure 56, adopted into bankruptcy practice by Federal Rule of Bankruptcy Procedure 7056, outlines the basis for summary relief:

The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.

Since the facts are not in dispute, Defendant must demonstrate the law is in its favor.

The issue is who is to suffer from a mistake made by the filing office? Defendant argues

in favor of a determination that advances a benchmark of UCC practice: “first in time, first in right.” Under Defendant’s view, it submitted the Personal Property UCC and it bears no responsibility for the filing/indexing failure. Plaintiff argues that notice is a hallmark of priority. Since it was impossible, because of the error, to obtain notice of an existing security interest, that interest should not now be given priority over Plaintiff’s interest. The court finds the weight of the law supports Defendant.

In its motion, Defendant partially relies on Ohio Revised Code § 1309.517, which adopts UCC 9-517, and provides “[t]he failure of the filing office to index a record correctly does not affect the effectiveness of the filed record.” The UCC official comment on § 9-517 states “[t]his section provides that the filing office’s error in mis-indexing a record does not render ineffective an otherwise effective record. [T]his section imposes the risk of filing-office error on those who search the files rather than on those who file.”

Although the Personal Property UCC was not assigned a document identification or file number on September 20, 2007, it still constituted a filed record under O.R.C. § 1309.516(A). Under this provision, “communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.” This finding is reinforced by the agency’s corrective action issued on November 5, 2010 which “back-dated” the filing to September 20, 2007. There is no dispute that the document is deemed filed as of September 20, 2007.

Notably, the reason identified for the corrective action was that the “incorrect image for The Twin City Hospital Corporation was incorrectly indexed and scanned.” This undisputed admission, directly from the filing office, puts this matter squarely under O.R.C. 1309.516(A). There is no evidence that Defendant is at fault.

If the first to file errs in a manner that causes another party to miss a financing statement, courts tend to direct the fallout on the filer. *See Official Comm. of Unsecured Creditors v. Regions Bank (In re Camtech Precision Mfg., Inc.)*, 443 B.R. 190 (Bankr. S.D. Fla. 2011) (citing *McMillin v. First Nat’l Bank & Trust Co. (In re Fowler)*, 407 F.Supp. 799, 803 (W.D. Okla. 1975), *In re Vaughan*, 1967 WL 8935 (Bankr. W.D. Mich. 1967)). There is no evidence that defendant erred in any manner, thus this exception is not applicable.

Since the Personal Property UCC has a filing date of September 20, 2007, it precedes the filing of respondent’s financing statement. When there is a conflict between perfected security interests, the Ohio Revised Code, through its incorporation of UCC 9-322, advises that the liens must be “rank[ed] according to priority in time of filing or perfection.” O.R.C. § 1309.322(A)(1). Defendant was first to file and therefore holds the senior interest in the accounts receivable.

An order granting the motion shall be entered immediately.

#

Service List:

Frank J Rose, Jr
Box 1014
140 Fair Ave NW
New Philadelphia, OH 44663

Paul B Hervey
Fitzpatrick, Zimmerman & Rose Co., L.P.A
116 Cleveland Ave. NW, Suite 802
Canton, OH 44702

Adrienne K. Walker
Daniel S. Bleck
Mintz, Levin, Cohn, Ferris, Glovsky
One Financial Center
Boston, MA 02111

Sherri Lynn Dahl
Squire, Sanders & Dempsey (US) LLP
4900 Key Tower
127 Public Square
Cleveland, OH 44114

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2007 SEP 20 PM 3:58
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UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]	
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
Glendon B. Pratt, Esq. Peck, Shaffer & Williams LLP 175 South Third Street, Suite 600 Columbus, Ohio 43215	
THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY	

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME The Twin City Hospital Corporation		FIRST NAME		MIDDLE NAME	SUFFIX
1b. INDIVIDUAL'S LAST NAME		CITY Dennison		STATE OH	POSTAL CODE 44621
1c. MAILING ADDRESS 819 N. First Street		CITY Dennison		STATE OH	POSTAL CODE 44621
1d. SEE INSTRUCTIONS		1e. TYPE OF ORGANIZATION Nonprofit Corp.		1f. JURISDICTION OF ORGANIZATION Ohio	
ADD'L INFO RE ORGANIZATION DEBTOR		1g. ORGANIZATIONAL ID #, if any 33882		<input type="checkbox"/> none	

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME		FIRST NAME		MIDDLE NAME	SUFFIX
2b. INDIVIDUAL'S LAST NAME		CITY		STATE	POSTAL CODE
2c. MAILING ADDRESS		CITY		STATE	POSTAL CODE
2d. SEE INSTRUCTIONS		2e. TYPE OF ORGANIZATION		2f. JURISDICTION OF ORGANIZATION	
ADD'L INFO RE ORGANIZATION DEBTOR		2g. ORGANIZATIONAL ID #, if any		<input type="checkbox"/> none	

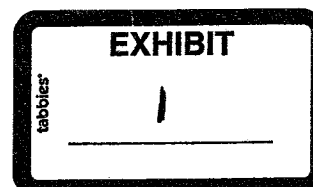
3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME U.S. Bank National Association		FIRST NAME		MIDDLE NAME	SUFFIX
3b. INDIVIDUAL'S LAST NAME		CITY		STATE	POSTAL CODE
3c. MAILING ADDRESS 1350 Euclid Avenue, Mail Code: CN-OH-RN11		CITY Cleveland		STATE OH	POSTAL CODE 44115

4. This FINANCING STATEMENT covers the following collateral:
See Attachment

5. ALTERNATIVE DESIGNATION (if applicable):		<input type="checkbox"/> LESSEE/LESSOR		<input type="checkbox"/> CONSIGNEE/CONSIGNOR		<input type="checkbox"/> BAILEE/BAIOL		<input type="checkbox"/> SELLER/BUYER	
<input type="checkbox"/> AG. LIEN		<input type="checkbox"/> NON-UCC FILING		7. Check to REQUEST SEARCH REPORT(S) on Debtor(s)		<input type="checkbox"/> All Debtors		<input type="checkbox"/> Debtor 1 <input type="checkbox"/> Debtor 2	
8. OPTIONAL FILER REFERENCE DATA		[if applicable]		[optional]		[ADDITIONAL FEE]			

FILING OFFICE COPY — NATIONAL UCC FINANCING STATEMENT (FORM UCC-1) (REV. 05/22/02)



Rev 05/22/02

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

9 NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT**9a ORGANIZATION'S NAME**

OR

9b INDIVIDUAL'S LAST NAME**FIRST NAME****MIDDLE NAME SUFFIX****10. MISCELLANEOUS:**

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one name (11a or 11b) - do not abbreviate or combine names

OR

11a. ORGANIZATION'S NAME**11b. INDIVIDUAL'S LAST NAME****FIRST NAME****MIDDLE NAME****SUFFIX****11c. MAILING ADDRESS****CITY****STATE****POSTAL CODE****COUNTRY****11d. SEE INSTRUCTIONS****ADD'L INFO RE
ORGANIZATION
DEBTOR****11e. TYPE OF ORGANIZATION****11f. JURISDICTION OF ORGANIZATION****11g. ORGANIZATIONAL ID #, if any**☐ none**12. ☐ ADDITIONAL SECURED PARTY'S or ☐ ASSIGNOR S/P'S NAME - Insert only one name (12a or 12b)****12a. ORGANIZATION'S NAME****12b. INDIVIDUAL'S LAST NAME****FIRST NAME****MIDDLE NAME****SUFFIX****12c. MAILING ADDRESS****CITY****STATE****POSTAL CODE****COUNTRY****13. This FINANCING STATEMENT covers**

- ☐ timber to be cut or ☐ as-extracted collateral, or is filed as a
☐ fixture filing.

14. Description of real estate:**15. Name and address of a RECORD OWNER of above-described real estate
(If Debtor does not have a record interest):****16. Additional collateral description:****17. Check only if applicable and check only one box.**

Debtor is a ☐ Trust or ☐ Trustee acting with respect to property held in trust or
☐ Decedent's Estate

18. Check only if applicable and check only one box.

- ☐ Debtor is a TRANSMITTING UTILITY
☐ Filed in connection with a Manufactured-Home Transaction — effective 30 years
☒ Filed in connection with a Public-Finance Transaction — effective 30 years

FILING OFFICE COPY — NATIONAL UCC FINANCING STATEMENT ADDENDUM (FORM UCC1Ad) (REV. 05/22/02)

19. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT			
15. NAME OF PARTY AUTHORIZING THIS AMENDMENT (name as Item 9 Amendment form)			
OR	19a. ORGANIZATION'S NAME		
	19b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME S
20. MISC MISCELLANEOUS			

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

21. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only <u>one</u> debtor name (21a or 21b) - do not abbreviate or combine names							
21a. ORGANIZATION'S NAME							
OR	21b. INDIVIDUAL'S LAST NAME			FIRST NAME	MIDDLE NAME	SUFFIX	
21c. MAILING ADDRESS				CITY	STATE	POSTAL CODE	COUNTRY
21d. <u>SEE INSTRUCTIONS</u>	ADD'L INFO RE ORGANIZATION DEBTOR	21e. TYPE OF ORGANIZATION	21f. JURISDICTION OF ORGANIZATION	21g. ORGANIZATIONAL ID #, if any			
				<input type="checkbox"/> none			
22. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only <u>one</u> debtor name (22a or 22b) - do not abbreviate or combine names							
22a. ORGANIZATION'S NAME							
OR	22b. INDIVIDUAL'S LAST NAME			FIRST NAME	MIDDLE NAME	SUFFIX	
22c. MAILING ADDRESS				CITY	STATE	POSTAL CODE	COUNTRY
22d. <u>SEE INSTRUCTIONS</u>	ADD'L INFO RE ORGANIZATION DEBTOR	22e. TYPE OF ORGANIZATION	22f. JURISDICTION OF ORGANIZATION	22g. ORGANIZATIONAL ID #, if any			
				<input type="checkbox"/> none			
23. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only <u>one</u> debtor name (23a or 23b) - do not abbreviate or combine names							
23a. ORGANIZATION'S NAME							
OR	23b. INDIVIDUAL'S LAST NAME			FIRST NAME	MIDDLE NAME	SUFFIX	
23c. MAILING ADDRESS				CITY	STATE	POSTAL CODE	COUNTRY
23d. <u>SEE INSTRUCTIONS</u>	ADD'L INFO RE ORGANIZATION DEBTOR	23e. TYPE OF ORGANIZATION	23f. JURISDICTION OF ORGANIZATION	23g. ORGANIZATIONAL ID #, if any			
				<input type="checkbox"/> none			
24. ADDITIONAL SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE) - insert only <u>one</u> secured party name (24a or 24b)							
24a. ORGANIZATION'S NAME							
OR	24b. INDIVIDUAL'S LAST NAME			FIRST NAME	MIDDLE NAME	SUFFIX	
24c. MAILING ADDRESS				CITY	STATE	POSTAL CODE	COUNTRY
25. ADDITIONAL SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE) - insert only <u>one</u> secured party name (25a or 25b)							
25a. ORGANIZATION'S NAME							
OR	25b. INDIVIDUAL'S LAST NAME			FIRST NAME	MIDDLE NAME	SUFFIX	
25c. MAILING ADDRESS				CITY	STATE	POSTAL CODE	COUNTRY

Instructions for UCC Financing Statement Amendment (Form UCC1AP)

Use this form to continue adding additional Debtor or Secured Party names as needed when filing a UCC Financing Statement (Form UCC1).

Rev 05/22/02

201-UCC1

UCC-1 With The Twin City Hospital Corporation, as Debtor
And U.S. Bank National Association
As Secured Party

All present and future Gross Receipts, being all cash and other receipts, present and future accounts, receivables, contracts and contract rights (including particularly contracts, agreements, contract rights and agreement rights, particularly those between any member of the Obligated Group and the State of Ohio with respect to Medicaid, any member of the Obligated Group and third-party insurers of patients of any members of the Obligated Group and any member of the Obligated Group and the United States of America with respect to Medicare, and all other equivalent insurance programs, or any state or federal program substituted in lieu thereof), general intangibles, documents and instruments, which are now owned or hereafter acquired by the Obligated Group, and all proceeds therefrom, whether cash or noncash, derived by the Obligated Group from the conduct of all or any part of its operations, and all revenue and income of the Obligated Group from whatever source derived, including not only that derived by the Obligated Group from the Existing Facilities but also from any and all facilities hereafter acquired, leased or used by the Obligated Group, income from and the principal of investments, leases and income received from leases, and grants received by the Obligated Group from any source and excluding only (i) grants, gifts, bequests, contributions and other donations, to the extent specifically restricted by the donor or grantor to a special object or purpose so as to preclude use thereof for payment of principal or interest on the Notes, (ii) the proceeds of any borrowing or any funds held in trust by a trustee as security for such borrowing, (iii) revenues, income, receipts and money received by a member of the Obligated Group as agent for and on behalf of a Person other than a member of the Obligated Group, and (iv) any Property that is the subject of a lien or encumbrance permitted by the Indenture or that has been conveyed or otherwise disposed of as permitted by the Indenture.

All moneys and securities from time to time held by the Trustee under the terms of the Indenture and any and all real or personal property of every name and nature from time to time hereafter by delivery or by writing of any kind conveyed, mortgaged, pledged, assigned or transferred, as and for additional security under the Indenture by the Debtor, or by anyone on its behalf or with its written consent, subject, in all events, to Permitted Encumbrances.

All capitalized terms used in the preceding paragraphs shall be interpreted as defined in the Master Trust Indenture dated as of September 1, 2007, between The Twin City Hospital Corporation, as the Debtor, and U.S. Bank National Association as the Secured Party, as previously supplemented and amended and as supplemented and amended from time to time.

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UCC FINANCING STATEMENT
FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (is person)	
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
Glendon B. Pratt, Esq. Peck, Shaffer & Williams LLP 175 South Third Street, Suite 600 Columbus, Ohio 43215	

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (1a or 1b) - do not abbreviate or combine names

OR	1a. ORGANIZATION'S NAME The Twin City Hospital Corporation	FIRST NAME	MIDDLE NAME	SUFFIX
	1b. INDIVIDUAL'S LAST NAME	CITY	STATE	POSTAL CODE COUNTRY
	1c. MAILING ADDRESS 819 N. First Street	Cleveland	OH	44115 USA
1d. SECURED PARTY	1e. TYPE OF ORGANIZATION Nonprofit Corp.	1f. JURISDICTION OF ORGANIZATION Ohio	1g. ORGANIZATIONAL ID #, if any	<input type="checkbox"/> none

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (2a or 2b) - do not abbreviate or combine names

OR	2a. ORGANIZATION'S NAME	FIRST NAME	MIDDLE NAME	SUFFIX
	2b. INDIVIDUAL'S LAST NAME	CITY	STATE	POSTAL CODE COUNTRY
	2c. MAILING ADDRESS	Cleveland	OH	44115 USA
2d. SECURED PARTY	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any	<input type="checkbox"/> none

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNOR of ASSIGNOR S/P) - Insert only one secured party name (3a or 3b)

OR	3a. ORGANIZATION'S NAME U.S. Bank National Association	FIRST NAME	MIDDLE NAME	SUFFIX
	3b. INDIVIDUAL'S LAST NAME	CITY	STATE	POSTAL CODE COUNTRY
	3c. MAILING ADDRESS 1350 Euclid Avenue, Mail Code: CN-OH-RN11	Cleveland	OH	44115 USA

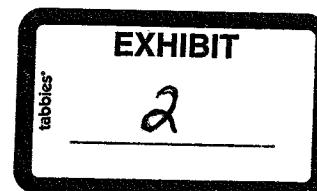
4. THIS FINANCING STATEMENT covers the following collateral:
 Fixtures of every nature and kind, now or hereafter acquired or owned by Debtor which are now or hereafter affixed to the Real Estate located in the County of Tuscarawas, Ohio, which is described on Exhibit A hereto.

5. ALTERNATIVE DESIGNATION (if applicable):		<input type="checkbox"/> LESSOR/LESSOR	<input type="checkbox"/> CONSIGNEE/CONSIGNOR	<input type="checkbox"/> BAILEE/BAILOR	<input type="checkbox"/> SELLER/BUYER
		<input type="checkbox"/> AG. LIEN	<input type="checkbox"/> NON-ACC. TRUST		
6. THIS FINANCING STATEMENT is to be filed (for record) in the PUBLIC RECORDS, Attach Addendum (if applicable)		7. Check to REQUEST SEARCH REPORT(s) on Debtor(s) (optional) (ADDITIONAL FEES)		<input type="checkbox"/> All Debtors <input type="checkbox"/> Debtor 1 <input type="checkbox"/> Debtor 2	
8. OPTIONAL FILER REFERENCE DATA					

FILING OFFICE COPY - (NATIONAL UCC FINANCING STATEMENT (FORM UCC-1) (REV. 05/22/02))

Rev 05/22/02

201-UCC1



UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

2. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

1a. ORGANIZATION'S NAME		
OR	1b. INDIVIDUAL'S LAST NAME	
	FIRST NAME	MIDDLE NAME, SUFFIX

10. MISCELLANEOUS:

THIS ADDRESS SPACE IS FOR THE NAME OF THE OFFICE ONLY

11. ADDITIONAL DEBTORS EXACT FULL LEGAL NAME - FROM ONLY ONE NAME (11a or 11b) - do not abbreviate or describe name

OR				
11a. ORGANIZATION'S NAME				
11b. INDIVIDUAL'S LAST NAME				
11c. MAILING ADDRESS				
CITY		STATE	POSTAL CODE	COUNTRY
11d. INDUSTRY	11e. TYPE OF ORGANIZATION	11f. JURISDICTION OF ORGANIZATION	11g. ORGANIZATION ID #, if any	
11h. ADDITIONAL INFO RE ORGANIZATION		11i. ORGANIZATION ID #, if any		

12. ADDITIONAL SECURED PARTIES OR ASSIGNS OR SPS NAMES - FROM ONLY ONE NAME (12a or 12b)

12a. ORGANIZATION'S NAME				
12b. INDIVIDUAL'S LAST NAME				
12c. MAILING ADDRESS				
CITY		STATE	POSTAL CODE	COUNTRY

13. THE FINANCING STATEMENT covers:

☐ Debtor is the owner

☐ Debtor is the owner or is a transferee of the debtor

☐ Debtor is the owner or is a transferee of the debtor

14. Description of the estate:

15. Name and address of a RECORD OWNER of above-described real estate

(If Debtor does not have a record interest)

17. Check only if applicable and check only one box.

Debtor is a ☐ Trust or ☐ Trustee acting with respect to property held in trust or

☐ Debtor is a ESTATE

18. Check only if a party and check only one box.

☐ Debtor is a TRANSMITTING UTILITY

☐ Debtor is a party to a Manufactured Home Transaction - effective 30 years

☐ Debtor is a party to a Public Service Transaction - effective 30 years

FILING OFFICE COPY - NATIONAL UCC FINANCING STATEMENT ADDENDUM (FORM UCC-142) (REV. 05/22/02)

Rev 05/22/02

201-UCC1

18. NAME OF FIRST DEBTOR (Insert ORIGINATOR/ANCHOR STATUTORY)					
19. NAME OF PARTY AUTHORIZING THIS ASSIGNMENT (Insert as per 9 assignment form)					
20. ASSIGNOR'S NAME					
OR	20a. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
21. MAILING ADDRESS					
21a. CITY			STATE	POSTAL CODE	COUNTRY
22. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (22a or 22b) - do not abbreviate or combine names					
22a. ORGANIZATION'S NAME					
OR	22b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
22c. MAILING ADDRESS			CITY	STATE	POSTAL CODE
22d. TYPE OF ORGANIZATION			22e. JURISDICTION OF ORGANIZATION	22f. ORGANIZATIONAL ID #, if any	
22g. ADDITIONAL INFO			<input type="checkbox"/> none		
23. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (23a or 23b) - do not abbreviate or combine names					
23a. ORGANIZATION'S NAME					
OR	23b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
23c. MAILING ADDRESS			CITY	STATE	POSTAL CODE
23d. TYPE OF ORGANIZATION			23e. JURISDICTION OF ORGANIZATION	23f. ORGANIZATIONAL ID #, if any	
23g. ADDITIONAL INFO			<input type="checkbox"/> none		
24. ADDITIONAL SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE) - Insert only one secured party name (24a or 24b)					
24a. ORGANIZATION'S NAME					
OR	24b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
24c. MAILING ADDRESS			CITY	STATE	POSTAL CODE
25. ADDITIONAL SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE) - Insert only one secured party name (25a or 25b)					
25a. ORGANIZATION'S NAME					
OR	25b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
25c. MAILING ADDRESS			CITY	STATE	POSTAL CODE

Instructions for UCC Financing Statement Amendment (Form UCC1AP)

Use this form to continue adding additional Debtor or Secured Party names as needed when filing a UCC Financing Statement (Form UCC1).

Rev 05/22/02

201-UCC1

EXHIBIT "A"

DESCRIPTION OF A 10.764 ACRE TRACT
THE TWIN CITY HOSPITAL CORPORATION

Situated in the Village of Dennison, County of Tuscarawas and State of Ohio.

Being all of Lots 1281 through 1292 (known as Tax Parcel Nos. 42-00149.000, 42-00186.000, 42-00941.000, 42-01577.000, 42-01217.000, 42-01216.000 and 42-01215.000) and Outlot 11 (2) (known as Tax Parcel No. 42-01579.000) of Wilson & Huston Addition as recorded in Plat Book I-B, Page 26 of the Tuscarawas County Plat Records, all of a vacated alley (Ordinance No. 2327) as recorded in Volume 1264, Page 1065 of the Official Records of Tuscarawas County, and being all of tracts of land conveyed to The Twin City Hospital Corporation by deeds in Volume 1136, Page 625, Volume 1189, Page 2413 and Volume 1209, Page 2561 of the Official Records of Tuscarawas County, and Volume 570, Pages 900, 901, 902 and 905 of the Tuscarawas County Deed Records; and being part of Lot 4 of the Spencer Tract in the First Quarter of Township 7, Range 1 being all of tracts of land conveyed to The Twin City Hospital Corporation by deeds in Volume 570, Page 897 (remainder of 3-3/4 acres - known as Tax Parcel No. 42-00667.000), Volume 570, Page 902 (1.55 acres - known as Tax Parcel No. 42-01214.000), Volume 570, Page 903 (remainder of 4.36 acres - known as Tax Parcel No. 42-01576.000), Volume 570, Page 905 (1.14 acres - known as Tax Parcel No. 42-01578.000) and Volume 570, Page 907 (remainder of 1.38 acres, .6225 acres, .6145 acres, .6541 acres and vacated alley - known as Tax Parcel No. 42-01261.000) of the Tuscarawas County Deed Records, and Volume 1025, Page 530 (1.721 acres - known as Tax Parcel No. 42-00436.000) of the Official Records of Tuscarawas County and being more fully described as follows:

Beginning at an iron pin found at the intersection of the north line of Wilson Street and the west line of First Street, said point being the southeast corner of Lot 1281 and being the TRUE PLACE OF BEGINNING for the parcel herein described:

Thence with the east line of Lots 1281 through 1286, said 1.14 acre tract and 4.36 acre tracts, and the west line of First Street, North 03 deg. 05 min. 22 sec. East, 440.54 feet to a point in Fuhr Street and passing on line an iron pin found at 410.37 feet;

Thence with Fuhr Street and the north line of said 4.36 acre tract, North 88 deg. 54 min. 47 sec. West, 202.47 feet to a point;

Thence leaving said street, with the east line of said 1.38 acre tract and 0.1721 acre tract and with the west line of a 0.14 acre tract conveyed to Donald E. & Helen J. Wright (DR 439-140), North 14 deg. 33 min. 20 sec. West, 142.74 feet to an iron pin found and passing on line an iron pin found at 31.00 feet;

Thence continuing with the east line of said 0.1721 acre tract, North 36 deg. 17 min. 36 sec. East, 9.67 feet to an iron pin found;

Thence continuing with the east line of said 0.1721 acre tract and the center of said vacated alley, North 14 deg. 33 min. 20 sec. West, 292.12 feet to an iron pin set in the north line of said vacated alley;

Thence with said north line, South 76 deg. 23 min. 40 sec. West, 7.50 feet to an iron pin set in the east line of said 1.38 acre tract;

Thence with the east line of said 1.38 acre tract, North 14 deg. 33 min. 20 sec. West, 22.50 feet to a point in McKee Road (Township Road 287);

Thence with said road and the north line of said 1.38 acre tract, South 76 deg. 58 min. 26 sec. West, 139.09 feet to a point;

Thence continuing with said road and with the north line of said .6561 acre tract, North 88 deg. 05 min. 13 sec. West, 138.46 feet to a point;

Thence leaving said road and with the west line of said .6561 acre tract the following four (4) courses:

- 1) South 09 deg. 51 min. 47 sec. West, 30.00 feet to an iron pin set;
- 2) North 80 deg. 08 min. 13 sec. West, 70.30 feet to an iron pin set;
- 3) South 29 deg. 28 min. 13 sec. East, 90.00 feet to an iron pin set;
- 4) South 60 deg. 31 min. 47 sec. West, 55.00 feet to a point in Wilson Street

Extension and the east line of said 3-3/4 acre tract, and passing on line an iron pin set at 35.00 feet;

Thence with said road and east line, North 29 deg. 28 min. 13 sec. West, 132.89 feet to a point, said point being the southeast corner of a .58 acre tract conveyed to Johanna Jones, John A. Rogers and Edith A. Lawver (DR 676-466);

Thence leaving said road and with the south line of said 0.58 acre tract, South 30 deg. 39 min. 17 sec. West, 17.20 feet to an iron pin set;

Thence continuing with said south line, South 51 deg. 39 min. 17 sec. West, 222.20 feet to an iron pin set;

Thence continuing South 88 deg. 43 min. 27 sec. West, 94.79 feet to a point in Little Stillwater Creek and the north line of Park View Addition (Plat Book 7, Page 90);

Thence with said creek and said north line the following (twelve (12)) courses:

- 1) South 43 deg. 09 min. 39 sec. East, 43.42 feet to a point;
- 2) South 59 deg. 12 min. 04 sec. East, 42.01 feet to a point;
- 3) South 84 deg. 51 min. 57 sec. East, 47.47 feet to an iron pin found;
- 4) South 79 deg. 20 min. 00 sec. East, 44.84 feet to a point;
- 5) South 52 deg. 23 min. 49 sec. East, 42.19 feet to a point and passing on line an iron pin found at 21.08 feet;
- 6) South 49 deg. 42 min. 26 sec. East, 42.43 feet to a point;
- 7) South 63 deg. 16 min. 39 sec. East, 42.19 feet to a point;
- 8) South 28 deg. 05 min. 33 sec. East, 48.37 feet to a point;
- 9) South 41 deg. 53 min. 31 sec. East, 43.68 feet to a point;
- 10) South 32 deg. 22 min. 26 sec. East, 46.52 feet to a point;
- 11) South 32 deg. 22 min. 26 sec. East, 46.52 feet to a point;
- 12) South 32 deg. 49 min. 54 sec. East, 47.31 feet to an iron pin set;

Thence continuing with said north line, the north line of a 14.50 acre tract conveyed to the City of Ulrichsville and the west line of said 1.55 acre tract, South 38 deg. 16 min. 21 sec. East, 195.93 feet to an iron pin set;

Thence continuing with the north line of said 14.50 acre tract and said west line, and the west line of Wilson & Huston Addition, South 21 deg. 43 min. 04 sec. West, 148.50 feet to a point in said creek;

Thence continuing with said west line and said creek, South 31 deg. 46 min. 56 sec. East, 46.20 feet to a point;

Thence continuing with said creek and with the south line of Wilson & Huston Addition, South 75 deg. 03 min. 28 sec. East, 135.14 feet to a point;

Thence continuing with said south line, South 89 deg. 01 min. 56 sec. East, 381.02 feet to the PLACE OF BEGINNING and containing 10.764 acres of land, more or less, of which Lots 1281 through 1286 each contain 0.072 acre, Lot 1287 contains 0.082 acre, Lot 1288 contains 0.075 acre, Lot 1289 contains 0.066 acre, Lot 1290 contains 0.058 acre, Lot 1291 contains 0.049 acre, Lot 1292 contains 0.040 acre and Outlot 11 (3) contains 0.864 acre; 0.086 acre is all of the vacated alley (Ordinance No. 2227); 1.813 acres is all of the remainder of the 3-3/4 acre tract, 1.050 acres is all of the 1.55 acre tract, 1.618 acres is all of the remainder of 4.36 acre tract, 1.147 acres is all of the 1.14 acre tract, 1.260 acres is all of the remainder of the 1.38 acre tract, 0.625 acre is all of the .6225 acre tract, 0.617 is all of the .6145 acre tract, 0.666 is all of the .6541 acre tract, 0.044 acre is all of the remainder of the vacated alley, and 0.172 acre is all of the .1721 acre tract; but subject to all legal highways and easements of record. Boundings were oriented to an assumed north.

Survey and description prepared by James H. Marsh, Registered Surveyor No. 7156 on July 31, 2007, revised August 17, 2007.


James H. Marsh Registered Surveyor No. 7156

RECEIVED
SECRETARY OF STATE

2007 SEP 20 PM 3:57

CLIENT SERVICE CENTER

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)	
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
Glendon B. Pratt, Esq. Pock, Shaffer & Williams LLP 175 South Third Street, Suite 600 Columbus, Ohio 43215	

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (1a or 1b) - do not abbreviate or combine names

OR

1a. ORGANIZATION'S NAME The Twin City Hospital Corporation	FIRST NAME	MIDDLE NAME	SUFFIX
1b. INDIVIDUAL'S LAST NAME	CITY Dennison	STATE OH	POSTAL CODE 44621

1c. MAILING ADDRESS
819 N First Street

1d. JURISDICTION OF ORGANIZATION
Ohio

1e. ORGANIZATIONAL ID #, if any
33882 ☐ none

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (2a or 2b) - do not abbreviate or combine names

OR

2a. ORGANIZATION'S NAME U.S. Bank National Association	FIRST NAME	MIDDLE NAME	SUFFIX
2b. INDIVIDUAL'S LAST NAME	CITY Cleveland	STATE OH	POSTAL CODE 44115

2c. MAILING ADDRESS
1350 Euclid Avenue, Mail Code: CN-OH-RN11

2d. JURISDICTION OF ORGANIZATION
Ohio

2e. ORGANIZATIONAL ID #, if any
44115 ☐ none

3. SECURED PARTY'S NAME (IF HAVE A TOTAL ASSIGNMENT OF ASSIGNMENT SUP) - Insert only one secured party name (3a or 3b)

OR

3a. ORGANIZATION'S NAME U.S. Bank National Association	FIRST NAME	MIDDLE NAME	SUFFIX
3b. INDIVIDUAL'S LAST NAME	CITY Cleveland	STATE OH	POSTAL CODE 44115

3c. MAILING ADDRESS
1350 Euclid Avenue, Mail Code: CN-OH-RN11

4. THIS FINANCING STATEMENT covers the following collateral:
 Fixtures of every nature and kind, now or hereafter acquired or owned by Debtor which are now or hereafter affixed to the Real Estate located in the County of Tuscarawas, Ohio, which is described on Exhibit A hereto.

5. ALTERNATIVE DESIGNATION (if applicable) ☐ MORTGAGE LENDER ☐ CONSIGNEE/STORAGE ☐ BAILOR/BALOR ☐ SELLER/BUYER

6. THIS FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS, AGAIN Addition (if applicable) ☒ 7. Check to REQUEST SEARCH (REPORT) on Debtor(s) ☐ All Debtors ☐ Debtor 1 ☐ Debtor 2

8. OPTIONAL FILER REFERENCE DATA

FILING OFFICE COPY - NATIONAL UCC FINANCING STATEMENT (FORM UCC-1) (REV. 05/22/02)

Rev 05/22/02

201-UCC-1

EXHIBIT

3

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (Found on back) CAREFULLY

9. NAME OF FIRST DEBTOR (11a or 11b) ON RELATED FINANCING STATEMENT

OR		
11a. ORGANIZATION'S NAME		
11b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX

10. MISCELLANEOUS:

THIS ADDENDUM FOR FILING OFFICE USE ONLY

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one name (11a or 11b) - do not abbreviate or combine names

OR				
11a. ORGANIZATION'S NAME				
11b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
11c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
11d. JURISDICTION	11e. TYPE OF ORGANIZATION	11f. JURISDICTION OF ORGANIZATION		11g. ORGANIZATIONAL ID #, if any
<input type="checkbox"/> none				

12. ADDITIONAL SECURED PARTY (12a or 12b) - Insert only one name (12a or 12b)

12a. ORGANIZATION'S NAME				
12b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
12c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY

13. THIS FINANCING STATEMENT covers:

☐ Existing or future or ☐ Existing and future or ☐ Future only

14. Description of real estate:

15. Name and address of a RECORD OFFICER of above-described real estate
(If applicable, including a record interest):

17. Check only if applicable and check only one box.
Debtor is: ☐ Trust or ☐ Trustee acting with respect to property held in trust or ☐ Decedent's estate

18. Check only if applicable and check only one box.

☐ Debtor is a TRADING UTILITY
☐ Not in connection with a Manufactured Home Transaction - effective 30 years
☐ Not in connection with a Manufactured Home Transaction - effective 30 years

FILING OFFICE COPY - NATIONAL UCC FINANCING STATEMENT ADDENDUM (FORM UCC-1A) (REV. 05/22/02)

201-UCC1

Rev 05/22/02

10. NAME OF FIRST DEBTOR (14 or 18) ON RELATED FINANCING STATEMENT				
15. NAME OF PARTY AUTHORIZING THIS AMENDMENT (Insert as Item 9 Amendment 100)				
16. ORGANIZATION'S NAME				
OR	17a. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
20. ADDITIONAL DEBTOR				

THIS ABOVE SPACE IS FOR FILING BY THE DEBTOR ONLY

21. ADDITIONAL DEBTORS EXACT FULL LEGAL NAME - Insert only one debtor name (21a or 21b) - do not abbreviate or combine names				
21a. ORGANIZATION'S NAME				
OR	21b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
21c. MAILING ADDRESS			CITY	STATE POSTAL CODE COUNTRY
21d. IDENTIFICATION	ADD. INFO RE ORGANIZATION DEBTOR	21e. TYPE OF ORGANIZATION	21f. JURISDICTION OF ORGANIZATION	21g. ORGANIZATIONAL ID #, if any
<input type="checkbox"/> none				

22. ADDITIONAL DEBTORS EXACT FULL LEGAL NAME - Insert only one debtor name (22a or 22b) - do not abbreviate or combine names				
22a. ORGANIZATION'S NAME				
OR	22b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
22c. MAILING ADDRESS			CITY	STATE POSTAL CODE COUNTRY
22d. IDENTIFICATION	ADD. INFO RE ORGANIZATION DEBTOR	22e. TYPE OF ORGANIZATION	22f. JURISDICTION OF ORGANIZATION	22g. ORGANIZATIONAL ID #, if any
<input type="checkbox"/> none				

23. ADDITIONAL DEBTORS EXACT FULL LEGAL NAME - Insert only one debtor name (23a or 23b) - do not abbreviate or combine names				
23a. ORGANIZATION'S NAME				
OR	23b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
23c. MAILING ADDRESS			CITY	STATE POSTAL CODE COUNTRY
23d. IDENTIFICATION	ADD. INFO RE ORGANIZATION DEBTOR	23e. TYPE OF ORGANIZATION	23f. JURISDICTION OF ORGANIZATION	23g. ORGANIZATIONAL ID #, if any
<input type="checkbox"/> none				

24. ADDITIONAL SECURED PARTY'S NAME (or NAME OF TOTAL ASSIGNEE) - Insert only one secured party name (24a or 24b)				
24a. ORGANIZATION'S NAME				
OR	24b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
24c. MAILING ADDRESS			CITY	STATE POSTAL CODE COUNTRY

25. ADDITIONAL SECURED PARTY'S NAME (or NAME OF TOTAL ASSIGNEE) - Insert only one secured party name (25a or 25b)				
25a. ORGANIZATION'S NAME				
OR	25b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
25c. MAILING ADDRESS			CITY	STATE POSTAL CODE COUNTRY

Instructions for UCC Financing Statement Amendment (Form UCC1AP)

Use this form to continue adding additional Debtor or Secured Party names as needed when filing a UCC Financing Statement (Form UCC1).

201-UCC1

Rev 05/22/02

EXHIBIT "A"

DESCRIPTION OF A 10.764 ACRE TRACT
THE TWIN CITY HOSPITAL CORPORATION

Situated in the Village of Demulson, County of Tuscarawas and State of Ohio.

Being all of Lots 1281 through 1292 (known as Tax Parcel Nos. 42-00149.000, 42-00185.000, 42-00941.000, 42-01577.000, 42-01217.000, 42-01216.000 and 42-01215.000) and Outlot 11 (3) (known as Tax Parcel No. 42-01579.000) of Wilson & Huston Addition as recorded in Plat Book 1-B, Page 26 of the Tuscarawas County Plat Records, all of a vacated alley (Ordinance No. 2227) as recorded in Volume 1264, Page 1065 of the Official Records of Tuscarawas County, and being all of tracts of land conveyed to The Twin City Hospital Corporation by deeds in Volume 1136, Page 625, Volume 1189, Page 2413 and Volume 1209, Page 2561 of the Official Records of Tuscarawas County, and Volume 570, Pages 900, 901, 902 and 905 of the Tuscarawas County Deed Records; and being part of Lot 4 of the Spencer Tract in the First Quarter of Township 7, Range 1 being all of tracts of land conveyed to The Twin City Hospital Corporation by deeds in Volume 570, Page 897 (remainder of 3-3/4 acres - known as Tax Parcel No. 42-00667.000), Volume 570, Page 902 (1/2 55 acres - known as Tax Parcel No. 42-01214.000), Volume 570, Page 903 (remainder of 4.36 acres - known as Tax Parcel No. 42-01576.000), Volume 570, Page 905 (1.14 acres - known as Tax Parcel No. 42-01578.000) and Volume 570, Page 907 (remainder of 1.38 acres, .6225 acres, .6145 acres, .6541 acres and vacated alley - known as Tax Parcel No. 42-01261.000) of the Tuscarawas County Deed Records, and Volume 1025, Page 530 (1/2 1721 acres - known as Tax Parcel No. 42-00436.000) of the Official Records of Tuscarawas County and being more fully described as follows:

Beginning at an iron pin found at the intersection of the north line of Wilson Street and the west line of First Street, said point being the southeast corner of Lot 1281 and being the TRUE PLACE OF BEGINNING for the parcel herein described:

Thence with the east line of Lots 1281 through 1286, said 1.14 acre tract and 4.36 acre tracts, and the west line of First Street, North 113 deg. 05 min. 22 sec. East, 440.54 feet to a point in Fuhr Street and passing on line an iron pin found at 410.37 feet;

Thence with Fuhr Street and the north line of said 4.36 acre tract, North 88 deg. 54 min. 47 sec. West, 202.47 feet to a point;

Thence leaving said street, with the east line of said 1.38 acre tract and 0.1721 acre tract and with the west line of a 0.14 acre tract conveyed to Donald E. & Helen J. Wright (DR 439-140), North 14 deg. 33 min. 20 sec. West, 142.74 feet to an iron pin found and passing on line an iron pin found at 31.00 feet;

Thence continuing with the east line of said 0.1721 acre tract, North 36 deg. 17 min. 36 sec. East, 9.67 feet to an iron pin found;

Thence continuing with the east line of said 0.1721 acre tract and the center of said vacated alley, North 14 deg. 33 min. 20 sec. West, 292.12 feet to an iron pin set in the north line of said vacated alley;

Thence with said north line, South 76 deg. 23 min. 40 sec. West, 7.50 feet to an iron pin set in the east line of said 1.38 acre tract;

Thence with the east line of said 1.38 acre tract, North 14 deg. 33 min. 20 sec. West, 22.50 feet to a point in McKee Road (Township Road 287);

Thence with said road and the north line of said 1.38 acre tract, South 76 deg. 58 min. 26 sec. West, 139.09 feet to a point;

Thence continuing with said road and with the north line of said .6561 acre tract, North 88 deg. 05 min. 13 sec. West, 138.46 feet to a point;

Thence leaving said road and with the west line of said .6561 acre tract the following four (4) courses:

- 1) South 09 deg. 51 min. 47 sec. West, 10.00 feet to an iron pin set;
- 2) North 80 deg. 08 min. 13 sec. West, 70.30 feet to an iron pin set;
- 3) South 29 deg. 28 min. 13 sec. East, 90.00 feet to an iron pin set;
- 4) South 60 deg. 31 min. 47 sec. West, 55.00 feet to a point in Wilson Street

Extension and the east line of said 3-3/4 acre tract, and passing on line an iron pin set at 35.00 feet;

Thence with said road and east line, North 29 deg. 28 min. 13 sec. West, 132.89 feet to a point, said point being the southeast corner of a .58 acre tract conveyed to Johanna Jones, John A. Rogers and Edith A. Lawver (DR 676-466);

Thence leaving said road and with the south line of said 0.58 acre tract, South 30 deg. 39 min. 17 sec. West, 17.20 feet to an iron pin set;

Thence continuing with said south line, South 51 deg. 39 min. 17 sec. West, 222.20 feet to an iron pin set;

Thence continuing South 28 deg. 43 min. 27 sec. West, 94.79 feet to a point in Little Stillwater Creek and the north line of Park View Addition (Plat Book 7, Page 90);

Thence with said creek and said north line the following twelve (12) courses:

- 1) South 43 deg. 09 min. 39 sec. East, 43.42 feet to a point;
- 2) South 59 deg. 12 min. 04 sec. East, 42.01 feet to a point;
- 3) South 84 deg. 51 min. 57 sec. East, 47.47 feet to an iron pin found;
- 4) South 79 deg. 20 min. 00 sec. East, 44.84 feet to a point;
- 5) South 52 deg. 23 min. 49 sec. East, 42.19 feet to a point and passing on line an iron pin found at 21.08 feet;
- 6) South 49 deg. 42 min. 26 sec. East, 42.43 feet to a point;
- 7) South 63 deg. 16 min. 39 sec. East, 42.19 feet to a point;
- 8) South 28 deg. 05 min. 33 sec. East, 48.27 feet to a point;
- 9) South 41 deg. 53 min. 31 sec. East, 43.68 feet to a point;
- 10) South 32 deg. 22 min. 26 sec. East, 46.52 feet to a point;
- 11) South 32 deg. 22 min. 26 sec. East, 46.52 feet to a point;
- 12) South 32 deg. 49 min. 54 sec. East, 47.31 feet to an iron pin set;

Thence continuing with said north line, the north line of a 14.50 acre tract conveyed to the City of Uhrichsville and the west line of said 1.55 acre tract, South 38 deg. 16 min. 21 sec. East, 195.93 feet to an iron pin set;

Thence continuing with the north line of said 14.50 acre tract and said west line, and the west line of Wilson & Huston Addition, South 21 deg. 43 min. 04 sec. West, 148.50 feet to a point in said creek;

Thence continuing with said west line and said creek, South 31 deg. 46 min. 56 sec. East, 46.20 feet to a point;

Thence continuing with said creek and with the south line of Wilson & Huston Addition, South 75 deg. 03 min. 28 sec. East, 135.14 feet to a point;

Thence continuing with said south line, South 89 deg. 01 min. 56 sec. East, 381.02 feet to the PLACE OF BEGINNING and containing 10.764 acres of land, more or less, of which Lots 1281 through 1286 each contain 0.072 acre, Lot 1287 contains 0.082 acre, Lot 1288 contains 0.075 acre, Lot 1289 contains 0.066 acre, Lot 1290 contains 0.058 acre, Lot 1291 contains 0.049 acre, Lot 1292 contains 0.040 acre and Outlot 11 (3) contains 0.864 acre; 0.086 acre is all of the vacated alley (Ordinance No. 2327); 1.813 acres is all of the remainder of the 3-3/4 acre tract, 1.050 acres is all of the 1.55 acre tract, 1.618 acre is all of the remainder of 4.36 acre tract, 1.147 acres is all of the 1.14 acre tract, 1.260 acres is all of the remainder of the 1.38 acre tract, 0.625 acre is all of the .6225 acre tract, 0.617 is all of the .6145 acre tract, 0.666 is all of the .6541 acre tract, 0.044 acre is all of the remainder of the vacated alley, and 0.172 acre is all of the .1721 acre tract; but subject to all legal highways and easements of record. Bearings were oriented to an assumed north.

Survey and description prepared by James H. Marsh, Registered Surveyor No. 7156 on July 31, 2007, revised August 17, 2007.


James H. Marsh Registered Surveyor No. 7156

UCC FINANCING STATEMENT

File Number: OH00139076176
Date Filed: 12/16/2009 04:14 PM

Jennifer Brunner
Secretary of State

FILER INFORMATION

CONTACT INFORMATION FOR FILER

CONTACT EMAIL pam.bromund@csb1.com	CONTACT NAME THE COMMERCIAL & SAVINGS BANK	CONTACT PHONE 330-763-2835	CONTACT FAX 330-674-0148
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SEND ACKNOWLEDGMENT TO:

PACKET NO 7162	CLIENT ACCOUNT # 6622				
INDIVIDUAL'S LAST NAME BROMUND	FIRST NAME PAMELA		MIDDLE NAME LOU	SUFFIX MRS	
MAILING ADDRESS 91 N. CLAY STREET	CITY MILLERSBURG		STAT OH	POSTAL CODE 44654	COUNTRY US

FILE RECORD

FILING TYPE Initial			
FILERS UNIQUE	ALTERNATE NAME DESIGNATION DEBTOR/SECURED PARTY	ALTERNATE FILING TYPE AGRICULTURAL LIENS	
ADDITIONAL INFORMATION		MATURITY DATE	

DEBTOR DATA

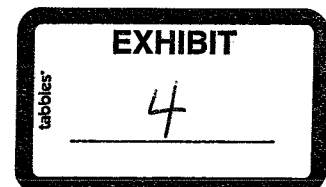
ORGANIZATION NAME THE TWIN CITY HOSPITAL CORPORATION			
TYPE OF ORGANIZATION CORPORATION	JURISDICTION OF ORGANIZATION OH		ORGANIZATION ID# (if 33882
MAILING ADDRESS 819 N FIRST STREET	CITY DENNISON	STATE OH	POSTAL CODE 44621
COUNTRY US	ALTERNATE CAPACITY OF DEBTOR NONE		

SECURED PARTY DATA

ORGANIZATION NAME THE COMMERCIAL & SAVINGS BANK			
MAILING ADDRESS 91 NORTH CLAY STREET	CITY MILLERSBURG	STATE OH	POSTAL CODE 44654
			COUNTRY US

This FINANCING STATEMENT covers the following Collateral:

All Accounts; whether any of the foregoing is owned now or acquired later; all accessions, additions, replacements, and substitutions relating



Doc ID -->

200935034440

to any of the foregoing; all records of any kind relating to any of the foregoing; all proceeds relating to any of the foregoing (including insurance, general intangibles and other accounts proceeds).

Filed at Ohio Secretary of State 09/20/2007 09:00 AM FILE#OH00119401840

RECEIVED
SECRETARY OF STATE
2007 SEP 20 PM 3:58
CLIENT SERVICE CENTER

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)					
B. DEVO ACKNOWLEDGMENT TO: (Name and Address)					
Gledson B. Pratt, Esq. Peck, Shuttler & Williams LLP 175 South Third Street, Suite 600 Columbus, Ohio 43218					
THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY					
1. DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (1a or 1b) - do not abbreviate or combine names					
1a. ORGANIZATION'S NAME OR 1b. INDIVIDUAL'S LAST NAME					
1c. MAILING ADDRESS		CITY		STATE	POSTAL CODE
819 N. First Street		Darien		OH	44821
1d. BUSINESS		1e. TYPE OF ORGANIZATION		1f. JURISDICTION OF ORGANIZATION	
RESTORER		Nonprofit Corp.		OHIO	
2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (2a or 2b) - do not abbreviate or combine names					
2a. ORGANIZATION'S NAME OR 2b. INDIVIDUAL'S LAST NAME					
2c. MAILING ADDRESS		CITY		STATE	POSTAL CODE
1330 Euclid Avenue, Mail Code: OH-DH-FIN11		Cleveland		OH	44115
3a. ORGANIZATION'S NAME		3b. TYPE OF ORGANIZATION		3c. JURISDICTION OF ORGANIZATION	
U.S. Bank National Association		BANK		OHIO	
4. THIS FINANCING STATEMENT covers the following collateral: Base Assignment					
5. ALTERNATIVE DESIGNATION (if applicable): <input type="checkbox"/> LESSOR/LESSOR <input type="checkbox"/> CONSIGNEE/CONSIGNOR <input type="checkbox"/> SELLER/SELLER <input type="checkbox"/> SELLER/BUYER					
6. THIS FINANCING STATEMENT is to be filed (for record) (if recorded) in the REAL <input type="checkbox"/> ALL DEBTORS <input type="checkbox"/> Debtor 1 <input type="checkbox"/> Debtor 2					
7. OTHER IS REQUEST SEARCH REPORTED on Order (4) <input type="checkbox"/> Debtor 1 <input type="checkbox"/> Debtor 2					
8. OPTIONAL FILER REFERENCE DATA					
FILING OFFICE COPY - NATIONAL UCC FINANCING STATEMENT (FORM UCC1) (REV. 05/22/02)					

201-UCC1

Rev 05/22/02

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EXHIBIT

5

UCC-1 With The Twin City Hospital Corporation, as Debtor
And U.S. Bank National Association
As Secured Party

All present and future Gross Receipts, being all cash and other receipts, present and future accounts, receivables, contracts and contract rights (including particularly contracts, agreements, contract rights and agreement rights, particularly those between any member of the Obligated Group and the State of Ohio with respect to Medicaid, any member of the Obligated Group and third-party insurers of patients of any members of the Obligated Group and any member of the Obligated Group and the United States of America with respect to Medicare, and all other equivalent insurance programs, or any state or federal program substituted in lieu thereof), general intangibles, documents and instruments, which are now owned or hereafter acquired by the Obligated Group, and all proceeds therefrom, whether cash or noncash, derived by the Obligated Group from the conduct of all or any part of its operations, and all revenue and income of the Obligated Group from whatever source derived, including not only that derived by the Obligated Group from the Existing Facilities but also from any and all facilities hereafter acquired, leased or used by the Obligated Group, income from and the principal of investments, leases and income received from leases, and grants received by the Obligated Group from any source and excluding only (i) grants, gifts, bequests, contributions and other donations, to the extent specifically restricted by the donor or grantor to a special object or purpose so as to preclude use thereof for payment of principal or interest on the Notes, (ii) the proceeds of any borrowing or any funds held in trust by a trustee as security for such borrowing, (iii) revenues, income, receipts and money received by a member of the Obligated Group as agent for and on behalf of a Person other than a member of the Obligated Group, and (iv) any Property that is the subject of a lien or encumbrance permitted by the Indenture or that has been conveyed or otherwise disposed of as permitted by the Indenture.

All moneys and securities from time to time held by the Trustee under the terms of the Indenture and any and all real or personal property of every name and nature from time to time hereafter by delivery or by writing of any kind conveyed, mortgaged, pledged, assigned or transferred, as and for additional security under the Indenture by the Debtor, or by anyone on its behalf or with its written consent, subject, in all events, to Permitted Encumbrances.

All capitalized terms used in the preceding paragraphs shall be interpreted as defined in the Master Trust Indenture dated as of September 1, 2007, between The Twin City Hospital Corporation, as the Debtor, and U.S. Bank National Association as the Secured Party, as previously supplemented and amended and as supplemented and amended from time to time.

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FILING OFFICE ADMINISTRATIVE ACTION STATEMENT	
INTERNAL USE ONLY	
1. Identification of the Record to which the FILING OFFICE STATEMENT relates	
RECORD # (DIN)	
1a.	200726402780
DATE AND TIME RECORD FILED	
1b.	09/20/2007 09:00 am
FILE # OF FINANCE STATEMENT TO WHICH THE RECORD RELATES	
1c.	OH00119401840

⊖ 2. Describe the inaccuracy or mistake on the part of the filing office.

The incorrect image for The Twin City Hospital Corporation was incorrectly indexed and scanned.

⊖ 3. Describe the filing office administrative action taken as a result of inaccuracy or mistake (including date of each action).

Reimaged the correct filing images for The Twin City Hospital Corporation

Filing Clerk *Lisa Kruse* Date this FILING OFFICE ADMINISTRATIVE ACTION STATEMENT filed
11/5/2010

FILING OFFICE COPY – FILING OFFICE ADMINISTRATIVE ACTION STATEMENT